IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9763 of 2005

Between:

Chittoor District Private Degree Colleges Correspondents Association, Chittoor rep. by its Joint Secretary, Sri C.Vijaya Bhaskar Reddy, S/o.C. Amarnatha Reddy age-28, Occ: Educationist, R/o. Chintalavaripalli (P), Korllagunta (V) Kalikiri (M), Chittoor Dist.

... PETITIONER

AND

1 The Govt. of A.P Rep. by its Principal Secretary, Higher Education Secretariat Building Hyderabad.
2 The A.P. State Council for Higher Education Rep. by its Secretary Post.Box.No.354, Saifabad, Hyderabad.
3 The Sri Venkateswara University Rep. by its Vice Chancellor,Tirupathi Chittoor Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing notification dt.21-11-2004, published in EENADU daily news paper on 25-11-2004, as violative of sec.20 of A.P Education Act and also violative of Rules 4 (1) and (2) of the made under G.O.Ms.No.29,
dt.5-2-87, and also violative of Article 14,19 and 21 of the constitution of India

Counsel for the Petitioner: MR.UNNAM.MURALIDHAR RAO

Counsel for the Respondent No.1: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.2: MR. C. SUDESH ANAND (SC FOR APSCHE)

Counsel for the Respondent No.3: MR. P. SREE RAMULU NAIDU

The Court at the admission stage made the following:

ORDER:

The petitioner seeks a declaration that the notification dated 24-11-2004 issued by the second respondent is arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Education Act, 1982.

The petitioner-institution claims to be a recognized Degree College being run at Chittoor District. This writ petition is filed aggrieved by the notification, dated 24-11-2004, under which applications are invited from the Registered Educational Societies/Colleges for starting new Private Unaided Degree Colleges during the academic year 2005-2006. The petitioner states that the college already established at Chittoor District is catering to the needs of the student community and there is no need for establishing any other Degree Colleges at present. It is also stated that as per the Rules framed under G.O.Ms.No.29, Education Department, dated 05-02-1987 no permission should be granted to the new institutions if the educational needs of the locality are adequately served. It is contended that the second respondent, while issuing the impugned notification, failed to consider the above said aspects. The petitioner made detailed representation dated 02-04-2005 stating that the establishment of new educational institutions under the impugned notification is unwarranted and that the same would put the existing colleges into financial constraints. It is alleged that the respondents failed to consider the said representation and have been taking further steps in pursuance of the impugned notification. Hence, this writ petition.

Since the detailed representation made by the petitioner raising objections against the establishment of new institutions at Chittoor District, in pursuance of the impugned notification, is pending before the respondents, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition directing the respondents to consider the said representation dated 02-04-2005 of the petitioner, before taking any decision for grant of permission to new

colleges.

Accordingly, the writ petition is disposed of with a direction to the respondents to consider the objections raised by the petitioner in the representations dated 02-04-2005 before taking any decision for grant of permission to new colleges at Chittoor District on the basis of the impugned notification dated 24-11-2004.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 27-04-2005

LSK

To

1 The Principal Secretary, Higher Education
Secretariat Building Hyderabad.
2 The Secretary, A.P. State Council for Higher Education,
Post.Box.No.354, Saifabad, Hyderabad.
3 The Registrar, Srivenkateswara University, Tirupathi.

4 Two C.Cs. to the G.P. for Higher Education, High Court Buildings, Hyderabad. (OUT)

5 Two C.D. copies.